

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARY KAY INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
JENNIFER BICKEL COOK,)	
)	
Defendant.)	Civil Action No. 3:21-CV-2543-C

ORDER

On this date, the Court considered Defendant's Motion for Summary Judgment, along with Plaintiff's Response.

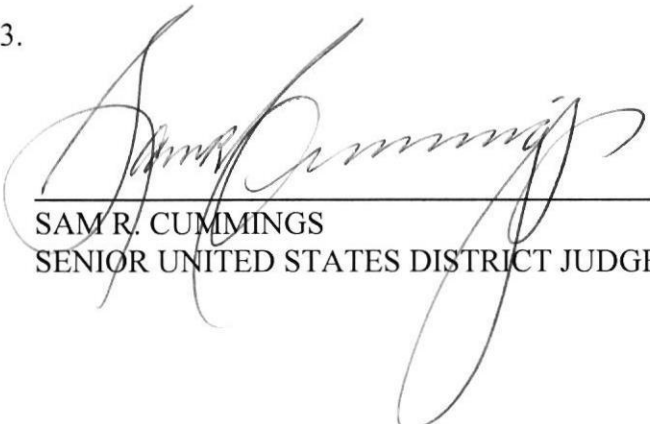
The Court finds that Defendant's Motion should be **GRANTED IN PART** as to Plaintiff's state law claims for breach of contract, common law misappropriation, breach of fiduciary duty, and tortious interference with contract because Plaintiff failed to offer any arguments or evidence to establish that any fact issue exists to preclude summary judgment on these causes of action. Further, Plaintiff has conceded in a footnote contained in the Response that it wishes to drop the aforementioned state law causes of action.

However, the Court finds that, for the reasons argued in the Response, genuine issues of material fact exist precluding summary judgment on Plaintiff's claims for copyright infringement and false association. Moreover, genuine issues of material fact exist as to Defendant's Fair Use Doctrine affirmative defense. Although Defendant contends that Plaintiff has failed to offer evidence of actual damages, Plaintiff counters that it is waiting for an updated gross revenue amount from Defendant as to book sales amounts and that statutory damages are clearly

available.¹ Thus, Defendant's Motion for Summary Judgment is **DENIED IN PART** as to Plaintiff's claims for copyright infringement and false association for the reasons argued by Plaintiff in the Response.

SO ORDERED.

Dated this 13th day of March, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

¹Plaintiff argues that it also seeks injunctive relief for both the copyright infringement claims and the false association claim, in addition to monetary damages.